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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,328	06/25/2003	Geoffrey T. Dunbar	302124.01	2867
22971	7590	10/06/2008		
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER BAYARD, DJENANE M	
			ART UNIT 2141	PAPER NUMBER
			NOTIFICATION DATE 10/06/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com  
ntovar@microsoft.com

### Office Action Summary

**Application No.**

10/603,328

**Applicant(s)**

DUNBAR ET AL.

**Examiner**

DJENANE M. BAYARD

**Art Unit**

2141

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/23/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 28-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to amendment filed on 6/23/08 in which claims 1-13 and 28-34 are pending.

#### ***Response to Arguments***

Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues that the communication bus of Richter is not the same as Applicant's "media processor". However, Applicant failed to demonstrate how the communication bus of Richter and the "media processor" of the present application differentiate. The arguments do not clearly point out the patentable novelty which Applicant thinks the claims present in view of the state of the art disclosed by the references cited. Further, they do not show how the amendments avoid such references or objections.

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references is not sufficient.

Applicant is respectfully reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,725,279 to Richter et al in view of U.S. Patent No. 6,957,430 to Fant et al and further in view of 2004/0199652 to Zou et al.

a. As per claims 1 and 28, Richter et al teaches a method of processing multimedia data, the method comprising: generating a topology of connections between one or more multimedia components in a topology generating element (See col. 3, lines 16-17, *for each multimedia task, application interface IA creates a subset of the multimedia processing blocks required to run said task*), the topology describing the one or more multimedia components, and the connections between them, including a set of input multimedia streams, one or more sources for the input multimedia streams, a sequence of operations to perform on the multimedia data, and a set of output multimedia streams (See col. 2, lines 37-49 and col. 3, lines 17-34); Furthermore, Richter

et al teaches a media processor (*communication bus*) wherein the media processor is responsible for all communications between the one or more multimedia components and wherein the multimedia flows between the media processor and the one or more multimedia components rather than directly between the one or more multimedia components themselves. (See col. 2, lines 2-22). However, Richter et al fails to teach transmitting the topology to a media processor; implementing the topology by instantiating and setting up the one or more multimedia components as described by the topology, the implemented topology of one or more multimedia components operable to process the multimedia data; and passing the multimedia data according to the implemented topology, the passing governed by the media processor.

Fant et al teaches transmitting the topology to a media processor (See col. 4, lines 23-30); implementing the topology by instantiating and setting up the one or more multimedia components as described by the topology, the implemented topology of one or more multimedia components operable to process the multimedia data (See col. 2, lines 1-5, col. 4, lines 23-30, col. 5, lines 21-33 and col. 6, lines 28-44); and passing the multimedia data according to the implemented topology, the passing governed by the media processor (See col. 6, lines 28-44).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Fant et al in the claimed invention of Richter et al in order to define multimedia functions each capable of monitoring the operation of a set of signal processing resources of the multimedia platform, putting them in contact and adapting the contents of said signal processing resource set depending on the multimedia signal to be processed (See col. 2, lines 1-5). However, Richter et al in view of Fant et al fails to teach

determining that the one or more multimedia components support a desired data rate for processing the multimedia data.

Zou et al teaches A recipient client device designed for, or capable of, working with the MDDI or inventive signal protocol is able to be queried by the host to determine the maximum, or current maximum, data transfer rate it can use, or a default slower minimum rate may be used, as well as useable data types and features supported.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Zou et al in the claimed invention of Richter et al in view of Fant et al in order to determine the full capabilities of the client devices (See paragraph [0150]).

b. As per claims 2 and 29, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches performing the sequence of multimedia operations on the multimedia data to create the set of output multimedia streams (See col. 2, lines 37-49 and col. 3, lines 17-34).

c. As per claims 3, 9 and 30, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the multimedia components are software objects (See col. 2, lines 19-21).

d. As per claims 4, 10 and 31, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the topology generating element is a topology

loader (See col. 2, lines 24-28).

e. As per claims 5, 11 and 32, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the topology generating element is an application program (See col. 2, lines 24-28).

f. As per claims 6, 12 and 33, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the media processor exposes the multimedia data to an application.

g. As per claims 7, 13 and 34, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the media processor accepts the multimedia data via being configured as a media sink.

5. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,725,279 to Richter et al in view of U.S. Patent No. 5,936,643 to Tindell et al and further in view of U.S. Patent Application No. 2004/0199,652 to Zou et al.

a. As per claim 8, Richter et al teaches a system for processing multimedia data, the system comprising: a control layer configured to receive instructions from an application, the control layer including: a topology generating element configured to generate a topology describing

objects including a set of input multimedia streams, one or more sources for the input multimedia streams, a sequence of operations to perform on the multimedia data, and a set of output multimedia streams (See col. 2, lines 37-49 and col. 3, lines 17-34); a media processor configured to govern the passing of the multimedia data to the implemented topology as described in the topology, wherein the media processor is responsible for all communications between the objects and wherein the multimedia data flows between the media processor and the objects rather than directly between the objects themselves (See col. 2, lines 21-22), and govern the performance of the sequence of multimedia operations on the multimedia data to create the set of output multimedia streams (See col. 2, lines 22-23 and col. 3, lines 1-4); a core layer coupled to the control layer, the core layer configured to include: the input media streams; the sources for the input multimedia streams; one or more transforms configured to operate on the multimedia data; one or more stream sinks coupled to the control layer; and one or more media sinks configured to provide the set of output multimedia streams (See col. 3, lines 16-50). However, Richter et al fails to teach wherein the topology describes objects and a topology implementing element operable to instantiate and set up the objects as described by the topology, thus forming and implemented topology, the implemented topology comprised of instantiated objects and operable to process the multimedia data and configured to determine that the objects support desired data rate for processing the multimedia data.

Tindell et al teaches wherein the topology describes objects and a topology implementing element operable to instantiate and set up the objects as described by the topology, thus forming and implemented topology, the implemented topology comprised of instantiated objects and operable to process the multimedia data (See col. 9, lines 62-65, col. 10, lines 24-32).



It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Tindell et al in the claimed invention of Richter et al in order to connect, route and filter video (See col. 1, lines 46-48). However, Richter et al in view of Tindell et al fails to teach configured to determine that the objects support desired data rate for processing the multimedia data.

Zou et al teaches A recipient client device designed for, or capable of, working with the MDDI or inventive signal protocol is able to be queried by the host to determine the maximum, or current maximum, data transfer rate it can use, or a default slower minimum rate may be used, as well as useable data types and features supported.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Zou et al in the claimed invention of Richter et al in view of Fant et al in order to determine the full capabilities of the client devices (See paragraph [0150]).

- b. As per claims 9-13, see claims 3-7 above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2141

Djenane Bayard

/D. M. B./

Examiner, Art Unit 2141

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144